

REMARKS

Claims 1-16 are pending in this application. By this Amendment, claim 1 is amended. Reconsideration based on the above amendments and the following remarks is respectfully requested.

Applicant appreciates the courtesies shown to Applicant's representative by Examiner Trieu in the July 9, 2004 personal interview. Applicant's separate record of the substance of the interview is incorporated into the following remarks. Specifically, claim 1 is amended to comply with the Examiner's helpful suggestions made during the interview. These amendments concern certain minor administrative matters which the Examiner raised during the personal interview. The amendments introduce no new matter and do not substantively change the scope of claim 1.

The Office Action, on page 5, indicates that claims 2, 3 and 6-16 contain allowable subject matter. Applicant appreciates this indication of allowability but respectfully submits that independent claim 1, from which claims 2, 3 and 6-16 directly or indirectly depend, is allowable for the reasons discussed below.

The Office Action, on page 2, rejects claims 1 and 4 under 35 U.S.C. §102(b) as being anticipated by JP 08-200117 A to Fujimura. This rejection is respectfully traversed.

Fujimura teaches a method to avoid deterioration of control precision of adjusting pressure and delay of judgment of the operating state of boost pressure by suitably detecting adjusting pressure and boost pressure according to an operating state in a diesel engine with a supercharger provided with an injection amount compensating device on the diesel power plant of a car (Abstract and block [0008]). Specifically, Fujimura teaches a methodology for determining more precisely the point of changeover between an "EGR regulatory region" for determining maximum fuel-oil consumption and a boost driven field (BACS field) for determining maximum fuel-oil consumption.

Applicant respectfully submits that Fujimura neither discloses nor suggests a switching means for increasing the maximum limit set by the boost compensator when it is determined by the operating condition determining means that the current aircraft operating condition is a condition where the desired rate of increase in the engine output power is increased, as is recited, among other features in claim 1.

Applicant's representative presented this argument to Examiner Trieu during the personal interview. The Examiner agreed that Fujimura does not teach the feature of a switching means for increasing the maximum limit set by the boost compensator.

Further, the Office Action equates "the current aircraft operating condition" with a "current engine operating condition." As basis for this construction, the Office Action asserts that "the engine by itself cannot fly, and there is no limitation reciting or proving that the engine is in flying condition."

Applicant respectfully submits that this construction fails for two reasons. First, such construction expressly ignores the word "aircraft" in violation of the guidance provided in MPEP §2143.03 wherein it is stated that "[a]ll words in a claim must be considered in judging the patentability of that claim against the prior art." In re Wilson, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970). As such, Applicant respectfully submits that the Patent Office may not ignore the term "aircraft" of claim 1. Second, Applicant respectfully submits that aircraft operating condition is, in fact, not limited to flying as is assumed by the comments in the Office Action. Specifically, while certain aircraft operating conditions, to include, but not limited to, an exemplary condition wherein an aircraft is required to abort a landing operation, i.e., "go-around," necessitate a rapid increase in engine output power (see Specification, page 3, lines 20-24), there are other aircraft operating conditions, not strictly limited to flying, wherein such response may be required. The subject matter of claim 1 is directed to all such aircraft operating conditions (see, for example, Specification, page 3, lines

4-12). Applicant respectfully submits that such aircraft operating conditions for a turbo-charged diesel aircraft engine, which is the subject matter of claims 1 and 4, cannot be anticipated by an invention which includes only the boost pressure detecting device of a diesel engine with a supercharger installed in an automobile that is taught by Fujimura.

Applicant respectfully submits that nowhere does Fujimura disclose boost compensation based on a "current aircraft operating condition" as is recited, among other features, in claims 1 and 4.

Applicant respectfully submits, with reference to MPEP §2131, that the standard for anticipation is met "only if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference." Further, "[t]he identical invention must be shown in as complete detail as is contained in the ... claim." Applicant respectfully submits that aircraft operating condition is not inherent in engine operating condition generally and, as such, the Patent Office may not ignore this word, and therefore, must give this claimed feature consideration.

For at least these reasons, Applicant respectfully submits that Fujimura does not anticipate, or even suggest, all of the features recited in these claims. Accordingly, reconsideration and withdrawal of the rejection of claims 1 and 4 under 35 U.S.C. §102(b) as being anticipated by Fujimura are respectfully requested.

The Office Action, on page 4, rejects claim 5 under 35 U.S.C. §103(a) as being unpatentable over Fujimura, in view of U.S. Patent No. 4,054,112 to Kurokawa et al. (hereinafter "Kurokawa"). This rejection is respectfully traversed.

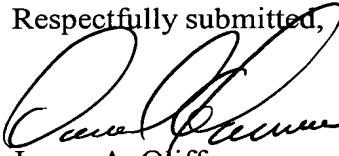
Applicant respectfully submits that Kurokawa does not overcome the shortfall of Fujimura in disclosing all of the features of independent claim 1, as detailed above, from which claim 5 depends. As such, Applicant respectfully submits that the combination of the

features recited in claim 5 is neither anticipated nor suggested by the combination of the applied references.

Accordingly, reconsideration and withdrawal of the rejection of claim 5 under 35 U.S.C. §103(a) as being unpatentable over the combination of the applied references are respectfully requested.

For at least these reasons, Applicant respectfully submits that this Application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1, 4 and 5, in addition to the allowable subject matter of claims 2, 3 and 6-16, are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact Applicant's undersigned representative at the telephone number set forth below.

Respectfully submitted,

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JAO:DAT

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